BEST COPY
AVAILABLE

MONTANA LEGISLATIVE HISTORY

Chapter 195 19 89

Bill H _____ S 324 Original bill & history ___C

H. Committee on Judiciary		S. Committee on Judiciary	
Hearing Date(s) Feb 06	✓C	Hearing Date(s) Mar 02	✓C
_____	___C	_____	___C
_____	___C	_____	___C
_____	___C	_____	___C
Date Out Feb 06	✓C	Mar 02	✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

4/10 TRANSMITTED TO GOVERNOR
4/14 SIGNED BY GOVERNOR
CHAPTER NUMBER 544 EFFECTIVE DATE: 10/01/89

SB 323 INTRODUCED BY VAUGHN
PROVIDE PENALTY FOR LATE LICENSE RENEWAL OF HOTEL, FOOD ESTABLISHMENT, CAMPING, ETC.
BY REQUEST OF DEPARTMENT OF HEALTH & ENVIRONMENTAL SCIENCES

2/02	INTRODUCED		
2/02	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
2/04	FISCAL NOTE REQUESTED		
2/08	HEARING		
2/08	FISCAL NOTE RECEIVED		
2/09	FISCAL NOTE PRINTED		
2/13	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/15	2ND READING PASSED	36	7
2/17	3RD READING PASSED	41	9
	TRANSMITTED TO HOUSE		
2/21	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
3/07	HEARING		
3/07	COMMITTEE REPORT--BILL CONCURRED		
3/09	2ND READING CONCURRED	73	14
3/10	3RD READING CONCURRED	74	15
3/16	SIGNED BY PRESIDENT		
3/16	SIGNED BY SPEAKER		
3/17	TRANSMITTED TO GOVERNOR		
3/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 247 EFFECTIVE DATE: 10/01/89		

SB 324 INTRODUCED BY BECK, ET AL.
PERMIT COURT TO CONDITIONALLY DISCHARGE PROBATIONER FROM SUPERVISION BEFORE HIS SENTENCE EXPIRES; PERMIT BOARD OF PARDONS TO CONDITIONALLY DISCHARGE PAROLEE FROM SUPERVISION BEFORE HIS SENTENCE EXPIRES

2/02	INTRODUCED		
2/02	REFERRED TO JUDICIARY		
2/06	HEARING		
2/06	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/09	2ND READING PASSED	50	0
2/11	3RD READING PASSED	46	0
	TRANSMITTED TO HOUSE		
2/21	REFERRED TO JUDICIARY		
3/02	HEARING		
3/02	COMMITTEE REPORT--BILL CONCURRED		
3/06	2ND READING CONCURRED	90	2
3/07	3RD READING CONCURRED	93	2
	RETURNED TO SENATE		
3/13	SIGNED BY PRESIDENT		
3/14	SIGNED BY SPEAKER		
3/15	TRANSMITTED TO GOVERNOR		
3/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 195 EFFECTIVE DATE: 10/01/89		

DISPOSITION OF HOUSE BILL 107

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Senator Harp MOVED that House Bill 107 BE CONCURRED IN. The MOTION CARRIED UNANIMOUSLY.

HEARING ON SENATE BILL 324

Presentation and Opening Statement by Sponsor: Senator Tom Beck of Deer Lodge, District 24, saying that Senate Bill 324 was Recommendation #7 coming from the interim study on criminal control and corrections. The bill proposes to discharge a probationer from supervision before the expiration of his sentence, to release some of the burden of the parole officers across the state.
He distributed some amendments he proposed to the committee (See Exhibit 3) and said they asked the board of pardons to "conditionally" discharge a man from his probationary period.

List of Testifying Proponents and What Group they Represent:

Nick Rotering, Attorney for the Department of Institutions
Dan Russell, Administrator, Corrections Division and a member of the Governor's Council of Criminal Justice and Corrections.

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Nick Rotering said it would authorize a practice that has been "ongoing" for a number of years regarding probationers and parolees. It is not uncommon for a sentence to have suspended time which is quite often supervised, but in many cases not necessary. The practice relieves parole officers of an unnecessary load.

Dan Russell said the bill provides statutory authority for a long-standing practice. The practice is used most frequently when other states are supervising our people and recommend that supervision be discontinued. If the

person has repaid all restitution, has secure employment and good family relationships, it is felt they he can be discharged from frequent checks. He still must report annually and would still be subject to revocation for any violation of the law. There are currently 39 individuals on conditional supervision out of a total caseload of 3200. These people served 4 1/2 years in prison and had an average sentence length of 26 years. Only about one request per year is received, he said, and he supported the bill.

Questions From Committee Members: There were none

Closing by Sponsor: The hearing was closed by the sponsor.

DISPOSITION OF SENATE BILL 324

Discussion: None

Amendments and Votes: Senator Mazurek MOVED that Senator Beck's amendments be accepted by the committee for the bill. The MOTION CARRIED UNANIMOUSLY.

Recommendation and Vote: Senator Mazurek MOVED that Senate Bill 324 DO PASS AS AMENDED. The MOTION CARRIED UNANIMOUSLY.

DISCUSSION OF SENATE BILL 255

Senator Harp said some amendments were being prepared for the bill and should be ready tomorrow.

DISPOSITION OF SENATE BILL 273

Discussion: Senator Crippen said this bill was a constitutional amendment and there was some concern whether or not the committee could kill the bill. Senator Pinsoneault said he had an amendment for the bill which had been distributed to the committee on February 3. He asked the committee to refer to the amendment. He said that the amendment would prevent the governor from removing an appointee until he had served out two years of his term.

Senator Jenkins said a House bill would be coming to the Senate asking for a 4-year term.

Senator Pinsoneault said that, when a person is appointed, it was hoped that he would serve the term. The governor appoints people he hopes share some of his attitudes and philosophy.

SENATE STANDING COMMITTEE REPORT

February 6, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration SB 324 (first reading copy -- white), respectfully report that SB 324 be amended and as so amended do pass:

1. Title, line 4.
Following: "TO"
Insert: "CONDITIONALLY"

2. Title, line 6
Following: "TO"
Insert: "CONDITIONALLY"

3. Page 2, line 2.
Following: "may"
Insert: "conditionally"

4. Page 2, line 14.
Following: "that"
Insert: "a conditional"

5. Page 2, line 19.
Following: "keep"
Insert: "conditionally"

6. Page 3, line 18.
Following: "may"
Insert: "conditionally"

7. Page 3, line 20.
Following: "that"
Insert: "a conditional"

8. Page 3, line 24.
Following: "keep"
Insert: "conditionally"

AND AS AMENDED DO PASS

Bruce D. Crippen, Chairman

EXHIBIT No.

SENATE JUDICIARY
EXHIBIT NO. 3
DATE 2-6-89
BILL NO. SB 324

Amendments to Senate Bill No. 324
First Reading Copy

Requested by Senator Tom Beck
For the Senate Judiciary Committee

Prepared by Lois Menzies
February 5, 1989

1. Title, line 4.
Following: "TO"
Insert: "CONDITIONALLY"

2. Title, line 6.
Following: "TO"
Insert: "CONDITIONALLY"

3. Page 2, line 12.
Following: "may"
Insert: "conditionally"

4. Page 2, line 14.
Following: "that"
Insert: "a conditional"

5. Page 2, line 19.
Following: "been"
Insert: "conditionally"

6. Page 3, line 18.
Following: "may"
Insert: "conditionally"

7. Page 3, line 20.
Following: "that"
Insert: "a conditional"

8. Page 3, line 24.
Following: "been"
Insert: "conditionally"

Susan Witte spoke in favor of SB 36 which would designate the Montana Insurance Department a criminal justice agency (See EXHIBIT 1). Ms. Witte also provided the committee with two letters supporting her testimony (EXHIBITS 2 and 3).

Mike Sherwood told the committee the Montana Trial Lawyer's Association supports SB 36 provided the amendment stays in it. In section 2 when the bill was first introduced it provided immunity beyond that of a standard law enforcement agency. Now that section 2 has been stricken, they support the bill as amended.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members:

No questions were asked.

Closing by Sponsor: Sen. Hofman said this will not enable the department to go out and do a great deal of investigative work. It does mention detection, collection, storage and dissemination of criminal justice information. The thing they need is the ability to get information from other agencies like sheriff's departments, FBI and any investigative agencies that might have some information that would be useful to them in the insurance division.

DISPOSITION OF SENATE BILL 36

Motion: Rep. Darko moved SB 36 BE CONCURRED IN. Rep. Brooke seconded the motion.

Discussion: None.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: A vote was taken on the motion and CARRIED with Rep. Hannah voting Nay.

HEARING ON SB 324

Presentation and Opening Statement by Sponsor:

Sen. Beck opened the hearing saying this is a simple bill to allow the courts to conditionally discharge people on probation or the parole board to conditionally discharge people on parole that have met all the requirements and have

the recommendation of the parole officer. It's a program that's already being used but they are trying to put it into the statutes.

Testifying Proponents and Who They Represent:

Mike Ferriter, Field Services Supervisor for Community Corrections Bureau
Nick Rotering, Legal Counsel for Board of Pardons and Department of Institutions

Proponent Testimony:

Mike Ferriter said SB 324 is a bill recommended by the Governor's Council and is supported by the Department of Institutions. Essentially the bill provides statutory authority for a longstanding practice of providing a conditional discharge from supervision for probationers and parolees who have long terms of supervision with satisfactory adjustment. This practice of recommending a conditional discharge from supervision is used most frequently when other states supervising their people be curtailed because of successful performance on the part of the probationer or parolee. Typically these individuals have been under supervision for several years and have paid all of their restitution and have had no problems in the community. When an individual receives a conditional discharge, he must report in annually in writing and are still subject to revocation for any violation of the law. At the present time there are 39 individuals on conditional discharge out of a total probation and parole population of 3200. These people served over 4 1/2 years under community supervision and had an average sentence of 26 years. Mr. Ferriter expressed that they support the amendments proposed by Sen. Beck as they are necessary to clarify the intent of the Governor's Council that these are conditional discharges and not complete discharges from supervision.

Nick Rotering sta ed that both the Board of Pardons and the Department o Institutions request this law in order to clarify a gr y area concerning a practice that has been going on for several years. He commented that he has always felt that th Board of Pardons, with their rulemaking authority ha had the jurisdiction to conditionally discharge somebody from active supervision, but obviously it's a question of whether or not the court on the suspended portion had the statutory authority to do it without this bill.

Testifying Opponents and Who They Represent:

None.

Opponent Testimony:

None.

Questions From Committee Members:

No questions were asked.

Closing by Sponsor: Sen. Beck said in the Senate they did add the word conditional so that if somebody did violate that parole, justice could be taken against them. It's a good bill. He asked the committee's recommendation.

DISPOSITION OF SENATE BILL 324

Motion: Rep. Boharski moved SB 324 BE CONCURRED IN. Rep. Brooke seconded the motion.

Discussion: None.

Amendments, Discussion, and Votes: None.

Recommendation and Vote: Motion CARRIED with Rep. Gould voting against the motion.

HEARING ON SENATE BILL 177

Presentation and Opening Statement by Sponsor:

Sen. Yellowtail introduced SB 177 stating that this bill would create an administrative mechanism for determining paternity for children receiving child support enforcement services from the state. At present that function is carried out in the courts, however, caseload projections for the next few years indicate an exploding burden on the courts. This bill would offer relief for the court system and at the same time streamline the process for determining paternity and insuring that the state does not fall out of compliance with the federal rules on the subject and thereby cost significant amounts of money.

Testifying Proponents and Who They Represent:

Brenda Nordlund, Montana Womens' Lobby

Proponent Testimony:

Brenda Nordlund spoke in favor of SB 177 on behalf of the Montana Womens' Lobby (See EXHIBIT 4).

Testifying Opponents and Who They Represent:

None.

STANDING COMMITTEE REPORT

March 2, 1989

Mr. Speaker: We, the committee on Judiciary report that SENATE BILL 324 (blue reference copy) be concurred in.

Signed: _____
Dave Brown, Chairman

[REP. CAMPBELL WILL CARRY THIS BILL ON THE HOUSE FLOOR]